

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

---

**KENNETH D. BELL, in his capacity as court-  
appointed Receiver for Rex Venture Group,  
LLC d/b/a ZeekRewards.com,**

**Plaintiff,**

**vs.**

**HAMISH BROWNIE, PRAVEEN KUMAR,  
and DAVID IAN MACGREGOR FRASER,**

**Defendants.**

---

**Civil Action No. 3:15-cv-70**

**MOTION FOR EXTENSION OF TIME TO SERVE DEFENDANT**

COMES NOW the Receiver requesting an extension of time within which to serve Defendant Hamish Brownie. The Complaint in this action against Mr. Brownie was filed on February 11, 2015.

Federal Rule of Civil Procedure 4(m) sets forth as follows:

(m) Time Limit for Service. If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff– must dismiss the action without prejudice against that

defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m)

After much investigation, the Receiver only recently located a possible business address in the United States for Mr. Brownie. Previous to finding this address, a process server attempted to serve Mr. Brownie at his address in New Zealand and was told by a family member that he was in the United States. At that time the Receiver engaged a process server to serve him at the address given by the family member. Repeated attempts to serve him at his gated property were unsuccessful. The Receiver engaged the process server to ‘stake out’ the property, still to no avail. The Receiver then requested that an additional attempt to serve Mr. Brownie be made in New Zealand. At this time the process server was told about the business that Mr. Brownie operated in the United States.

In light of Defendant’s apparent evasiveness, the Receiver believes that there is good cause for the failure thus far, warranting a mandatory extension. Nonetheless, even if the Court does not find good cause, the Receiver requests a discretionary extension pursuant to Rule 4(m) for a period of 45 days.

In light of the foregoing, the Receiver respectfully requests a 45-day extension of time, up to and including July 26, 2015, within which to serve Mr. Brownie with the Summons and Complaint in this matter.

Dated: June 11, 2015

Respectfully submitted,

/s/ Matthew E. Orso

Matthew E. Orso (NC Bar No. 42409)

Irving M. Brenner (NC Bar No. 15483)

McGuireWoods LLP

201 North Tryon Street, Suite 3000

Charlotte, North Carolina 28202

(704) 373-4629

(704) 373-8823 (fax)

[morso@mcguirewoods.com](mailto:morso@mcguirewoods.com)

[ibrenner@mcguirewoods.com](mailto:ibrenner@mcguirewoods.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic copies to counsel of record registered to receive electronic service.

This 11<sup>th</sup> day of June, 2015.

/s/Matthew E. Orso